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03
04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

06 UNITED STATES OF AMERICA,)
07 Plaintiff,) Case No. CR01-0340-JCC
08 v.)
09 SOUVERN SAELEE,) SUMMARY REPORT OF U.S.
10 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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12 An evidentiary hearing on a petition for violation of supervised release in this case was
13 scheduled before the undersigned Magistrate Judge on November 21, 2006. The United States
14 was represented by Assistant United States Attorney Robert Westinghouse, and the defendant
15 by Mr. Ken Kanev. The proceedings were recorded on cassette tape.

16 The defendant had been charged and convicted of Bank Fraud in violation of 18 U.S.C.
17 § 1344. On or about December 14, 2001, defendant was sentenced by the Honorable John C.
18 Coughenour to a term of two (2) days in custody to be followed by five (5) years of supervised
19 release.

20 The conditions of supervised release included the requirements that the defendant comply
21 with all local, state, and federal laws, and with the standard conditions. Special conditions
22 imposed included, but were not limited to, participation in a substance-abuse program, financial
23 disclosure, restitution in the amount of \$25,411.44, jointly and severally in connection with cases
24 CR99-537P and CR99-629C, consent to search, 150 days of a home confinement program with
25 electronic monitoring, maintaining a single checking account, no new credit charges or
26 additional lines of credit to be obtained, and possession of no ID other than in defendant's true

01 and legal name.

02 In a Petition for Warrant or Summons dated January 9, 2006, U.S. Probation Officer
03 Brian Rogers asserted the following violations by defendant of the conditions of his supervised
04 release:

05 (1) Failing to report to the probation office as directed on January 4, 2006, at 10:00
06 a.m. in violation of standard condition number 2, requiring him to report to the probation office
07 as directed.

08 (2) Failing to cooperate in the collection of a DNA sample as directed to do so by the
09 probation office, in violation of 42 U.S.C. § 14135(a)(2), on December 13, 2005, in violation
10 of the general condition that he not commit another federal, state, or local crime.

11 (3) Failing to submit a written monthly report to the probation office as directed
12 within the first five days of October, November, and December 2005, in violation of standard
13 condition number 2.

14 (4) Failing to pay restitution since May 2005, in violation of special condition
15 number 6, requiring him to pay restitution as directed by the probation officer.

16 (5) Failing to regularly work in a lawful occupation since February 2004, in violation
17 of standard condition number 5.

18 The defendant was advised of the allegations and advised of his rights. Defendant
19 admitted to violations number 2, 3, 4, and 5, but reserved his right to legally challenge whether
20 the general condition alleged in violation number 2 is constitutional. Defendant admitted to
21 violation number 5, but reserved the right to present mitigating circumstances at his disposition
22 hearing. At the hearing, the government dismissed alleged violation number 1.

23 I therefore recommend that the Court find the defendant to have violated the terms and
24 conditions of his supervised release as to violations number 2, 3, 4, and 5, and that the Court
25 conduct a hearing limited to disposition. A disposition hearing has been set before the
26 Honorable John C. Coughenour on December 1, 2006, at 9:00 a.m.

01 Pending a final determination by the Court, the defendant has been detained.

02 DATED this 21st day of November, 2006.

03 

04 JAMES P. DONOHUE

05 United States Magistrate Judge

06 cc: District Judge: Honorable John C. Coughenour
07 AUSA: Mr. Robert Westinghouse
08 Defendant's attorney: Mr. Ken Kanev
09 Probation officer: Mr. Brian Rogers
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